

Levine, Randall Mark

From: Levine, Randall Mark
Sent: Sunday, March 21, 2021 4:33 PM
To: Russell.Mangas@lw.com
Cc: Butler, David J.; Kollm, Clara; Andrew.Clubok@lw.com; Corey.Calabrese@lw.com; Andrej.Novakovski@lw.com; Jordan.Gratch@lw.com; Cravens, William S.D.
Subject: RE: NAACP v ERCSD

Russ:

We haven't asked to extend any deadlines, "unilaterally" or otherwise. We were hoping, however, that you'd be willing to work with us to limit the damage to the District's operations from this unbudgeted expense. We understand that the District will be unable to pay the judgment out of this fiscal year's budget, because we are already near the end of the fiscal year, and there are limited funds available to pay judgments out of the 2020/2021 contingency budget. The District should be able to pay the judgment out of the next fiscal year's (2021/2022) budget with much less impact to the District's operations, after expected financial aid from the state and federal relief funds become available.

Attached is a proposed revised order that sets a payment date of October 15, 2021, by which time the funds needed to pay the judgment should be available. We have proposed setting an interest rate on the judgment at the prime rate reported in the WSJ. We also did not see the point of the draft order's many "whereas" clauses, so we've proposed slimming down the document to the essentials. Please advise of your clients' position on our proposal. If you disagree with the proposed deferred payment of the judgment, we would ask you to please: (1) let us know the reason(s) for your position, so we can try to persuade you to change your mind or, failing that, accurately represent your positions in an appropriate request for relief to the Court; and, (2) reflect in your submission of the draft judgment that the District does not consent to the form of the judgment and will ask the Court to consider an alternative.

Randall Mark Levine
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From: Russell.Mangas@lw.com <Russell.Mangas@lw.com>
Sent: Friday, March 19, 2021 4:56 PM
To: Levine, Randall Mark <randall.levine@morganlewis.com>
Cc: Butler, David J. <david.butler@morganlewis.com>; Kollm, Clara <clara.kollm@morganlewis.com>; Andrew.Clubok@lw.com; Corey.Calabrese@lw.com; Andrej.Novakovski@lw.com; Jordan.Gratch@lw.com; Cravens, William S.D. <william.cravens@morganlewis.com>; Russell.Mangas@lw.com
Subject: RE: NAACP v ERCSD

[EXTERNAL EMAIL]
Randy,

The only issue the Court left open was to recalculate the award pursuant to the Court's instructions and submit it. She gave the District the opportunity to review that calculation and confirm it was performed accurately by today, which you have done. The Court has ordered us to submit that award on Monday. We cannot agree to your unilateral claim to extend that deadline and we plan to submit the order on Monday. If you want to propose some modification to the order, either provide it today (or over

the weekend), or you can file a separate motion to request that relief.

We will follow up on your question and provide payment instructions for plaintiffs.

Thanks,

Russell Mangas

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From: Levine, Randall Mark
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Subject: RE: NAACP v ERCSD

Russ:

The District doesn't disagree with the amount of the revised award set out in your letter. We are currently working with the client on a payment plan to propose for your consideration that we hope will minimize the negative financial impact of the judgment on the District's operations. We'll get back to you next week as soon as we can with some proposed language for a joint order. The District also wants to know how it is supposed to go about making the payment to each of the plaintiffs when the time comes.

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Sent: Friday, March 12, 2021 5:46 PM
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Cc: Butler, David J. <david.butler@morganlewis.com<mailto:david.butler@morganlewis.com>>; Kollm, Clara <clara.kollm@morganlewis.com<mailto:clara.kollm@morganlewis.com>>;
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Russell.Mangas@lw.com<mailto:Russell.Mangas@lw.com>
Subject: NAACP v ERCSD

[EXTERNAL EMAIL]

Randy,

Please see attached.

Thanks,

Russell Mangas

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Attachments:

[Proposed Judgment.DOCX](#)

(22 KB)